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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,682	12/08/2003	Gerhard D. Klassen	55525501.2530	5722
7590 David B. Cochran, Esq. JONES DAY North Point 901 Lakeside Ave Cleveland, OH 44114				
EXAMINER PATEL, HARESH N				
ART UNIT 2454		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,682

Applicant(s)

KLASSEN ET AL.

Examiner

HARESH N. PATEL

Art Unit

2454

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Amended claims 1-6, 8-12, 14-19 are subject to examination. Claims 13, 20 are cancelled. Claim 7 is allowable but objected to.
2. The office action has been provided as per the pre-appeal brief decision dated 11/7/2008 considering new statements of the pre-appeal brief conference request dated 9/18/2008. Further as per the prosecution history, the applicant's arguments dated 4/3/2008 clearly contained statements, the claim terms "instant messaging community" and "community-specific" have been replaced throughout with the terms "instant messaging service" and "service-specific." These new claim terms have the same meaning as the replaced claim terms within the context of the instant application, and therefore this is not a narrowing amendment. Contrary to the applicant's assertion dated 4/3/2008, the pre-appeal brief conference request dated 9/18/2008 (after the final office action provided as per the applicant's statements dated 4/3/2008) contained at least below statements, for example see page 1, and which is also not what the applicant mentioned in the applicant's arguments dated 4/3/2008. Also, please refer to the responses to the arguments of the office action dated 7/18/2008 regarding the rejected claimed subject matter.

I. Summary of the Claimed Subject Matter

The instant application includes three independent claims, claims 1, 18 and 19. Each of the independent claims recite a user interface for displaying a plurality of service-specific icons that provide an identification of one of a plurality of instant messaging services. Upon selecting one of the service-specific instant messaging icons, a common instant messaging application is configured for use as a service-specific instant messaging application using one of a plurality of configurations data files that is associated with the selected service-specific instant messaging icon. An example of these claimed features is shown in Fig. 1, which is reproduced below for convenience.

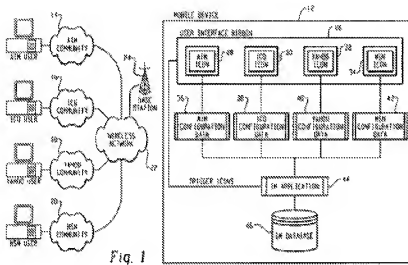


Fig. 1

In the example depicted in Fig. 1, four service-specific instant messaging icons 29, 30, 32, 34 are included in a user interface ribbon 26. When the user selects one of these icons 29, 30, 32, 34, a common instant messaging application program 44 is executed by the device processor. The instant messaging application is configured for the particular instant messaging community specified by the selected icon using a service-specific configuration data file 36, 38, 40, 42. The configuration data file causes the common instant messaging application program 44 to operate and appear like a specific application for

As shown in the above snapshot of the applicant's statements, provided under "summary of the claimed subject matter" for claims 1, 18, 19; please see the claims 1, 18, 19 which even do not to provide all the above mentioned elements. In fact, one of ordinary skilled in the art would recognize that it is dependent claim 7 (that includes limitations of the claims 6 and 1) that reflects the above applicant's statements mentioned under "summary of the claimed subject matter" for claims 1, 18, 19. Hence, the claim 7 is allowable but objected to. Since, the prosecution has already been delayed due to the above mentioned summary of the claimed subject matter provided after the final office action dated 7/18/2008, the applicant is further encouraged to add limitations of claims 6 and 7 into each of claims 18 and 19 to make the respective combination allowable.

Allowable Subject Matter

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.(addition of limitations of claims 6 and 7 into each of claims 18 and 19 would make the respective combination allowable, which would be entered if presented in response to this office action).
4. Considering the above impact due to the applicant's amendment to the claims dated 4/3/2008, the rejections are no longer maintained under 35 U.S.C. 102 and made under 35 U.S.C. 103(a) rejections. The prosecution history is clear that the claims presented dated 4/3/2008 contained amendments over the rejections made in the office action dated 12/12/2007. Please see that the office action dated 12/12/2007 neither proposed nor required all the amendments that

were made in the claims dated 4/3/2008. Considering the amendments to the claims dated 4/3/2008, which altered the scope of the invention as demonstrated above, this office action is made final necessitated by the applicant's amendments to the claims dated 4/3/2008.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8-12, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al. 2005/0050151 (Hereinafter Mitchell) in view of "Official Notice".

7. Referring the claimed limitations of claims 1-6, 8-12, 14-19, please refer to the rejections of the office action dated 12/12/2007. Regarding the amended limitations dated 4/3/2008 over the rejections dated 12/12/2007, i.e., the claim terms "instant messaging community" and "community-specific" have been replaced throughout with the terms "instant messaging service" and "service-specific, etc, which Mitchell does not specifically mention; "Official Notice" is taken that both the concept and advantages of providing these replacement limitations is well known and expected in the art. For example, U.S. Publication 2004/0254991, paragraphs 30-35, support the amended limitations dated 4/3/2008. U.S. Publication 2004/0254976, paragraphs 28-32, also support the amended limitations dated 4/3/2008. U.S. Publication 2005/0021782, paragraphs 31-37, also support the amended limitations dated 4/3/2008. U.S. Publication 2003/0140103, paragraphs 60-63, also support the amended limitations dated 4/3/2008. U.S.

Publication 2003/0236831, paragraphs 63, 79, 94, 98, also support the amended limitations dated 4/3/2008. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these replacement limitations with the teachings of Mitchell in order to facilitate usage of the service-specific and instant messaging service because a user would be supported with multiple services and instant messaging services. The user would be able to select a different instant messaging service for required service rather sticking with a single instant messaging service.

8. Claims 1-6, 8-12, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papanikolaou et al. 2004/0049589 (Hereinafter Papanikolaou) in view of "Official Notice".
9. Referring the claimed limitations of claims 1-6, 8-12, 14-19, please refer to the rejections of the office action dated 12/12/2007. Regarding the amended limitations dated 4/3/2008 over the rejections dated 12/12/2007, i.e., the claim terms "instant messaging community" and "community-specific" have been replaced throughout with the terms "instant messaging service" and "service-specific, etc, which Papanikolaou does not specifically mention; "Official Notice" is taken that both the concept and advantages of providing these replacement limitations is well known and expected in the art. For example, U.S. Publication 2004/0254991, paragraphs 30-35, support the amended limitations dated 4/3/2008. U.S. Publication 2004/0254976, paragraphs 28-32, also support the amended limitations dated 4/3/2008. U.S. Publication 2005/0021782, paragraphs 31-37, also support the amended limitations dated 4/3/2008. U.S. Publication 2003/0140103, paragraphs 60-63, also support the amended limitations dated 4/3/2008. U.S. Publication 2003/0236831, paragraphs 63, 79, 94, 98, also support the amended limitations dated

4/3/2008. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these replacement limitations with the teachings of Papanikolaou in order to facilitate usage of the service-specific and instant messaging service because a user would be supported with multiple services and instant messaging services. The user would be able to select a different instant messaging service for required service rather sticking with a single instant messaging service.

Conclusion

THIS ACTION IS MADE FINAL, necessitated by the applicant's amendments to the claims dated 4/3/2008. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). For clarification removal of instant messaging service, etc terms and amendment to the claims containing service-specific icons, etc., dated 4/3/2008 by the applicant, was neither proposed in the office action dated 12/12/2007 nor requested during the prosecution for any clarification.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Haresh N. Patel/

Primary Examiner, Art Unit 2154

1/11/2009